Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 87] BANGALORE, THURSDAY, APRIL 3, 1952. [No. 14

PART IV.

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION

No. L.D. 2232—Legis. 4-51-94, dated Bangalore, 29th February 1952.

Ordered that the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 (Central Act No. IX of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 25th February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA 66 (

MINISTRY OF LAW.

(Received the assent on 23rd February 1952.)

THE INDIAN INDEPENDENCE PAKISTAN COURTS (PENDING PROCEEDINGS) ACT 1952 (IX OF 1952).

AN

ACT

to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.

2. *Definition.*—In this Act, the expression "decree to which this Act applies" means any such judgment, decree or order as is referred to in—

(*i*) clause (3) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or

(*ii*) paragraph (5) or paragraph (6) of article 13 of the High Courts (Bengal) Order, 1947, or

(*iii*) paragraph (4) or paragraph (6) of the High Courts (Punjab) Order, 1947,

which has been or may hereafter be passed by a court in Pakistan and which imposes any liability or obligation on a Government in India.

3. *Certain Pakistan decrees not to be given effect to in India.*—Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Act applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government in India.

4. *Right of holder of a decree to which this Act applies to institute fresh proceedings in India.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), any person in whose favour a decree to which this Act applies has been passed may, within one year from the commencement of this Act, or within one year from the date of the decree, whichever is later, institute a fresh suit or other legal proceeding in respect of the cause of action on which such decree was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

5. *Repeal of Ordinance VI of 1951.*—(1) The Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951 (VI of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,

Secretary to the Government of India.